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**Sent:** 6/21/2013 1:24:55 PM  
**Subject:** Headlines Highlights for RA's Tablet - FRIDAY, June 21, 2013

# Headlines Highlights for RA's Tablet - FRIDAY, June 21, 2013

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## Associated Press

### **Environmental Protection Agency scraps plan for scientific study of Wyo. fracking**

By Mead Gruver and Ben Neary / The Associated Press

CHEYENNE, Wyo. -- The U.S. Environmental Protection Agency announced Thursday that it is dropping its longstanding plan to have independent scientists review its finding that hydraulic fracturing may be linked to groundwater pollution in central Wyoming.

The EPA is standing by its findings, but state officials will lead further investigation into the pollution in the Pavillion area. The area has been a focus of the debate over whether fracking can pollute groundwater ever since the EPA's initial report came out in late 2011.

"We stand behind our work and the data, but EPA recognizes the state's commitment to further investigation," agency spokesman Tom Reynolds said in Washington, D.C. The EPA will let state officials carry on the investigation with the federal agency's support, he said.

Wyoming officials have been skeptical about the theory that fracking played a role in the pollution at Pavillion, but Mr. Reynolds expressed confidence that the state could lead the work from here. He described the shift as the best way to ensure that Pavillion-area residents have a clean source of drinking water.

Even so, industry officials who have been doubtful about the EPA findings all along praised the change as confirmation of their view that the science wasn't sound. "EPA has to do a better job, because another fatally flawed water study could have a big impact on how the nation develops its massive energy resources," Erik Milito, director of upstream and industry operations for the American Petroleum Institute, said in a release.

Richard Garrett, energy and legislative advocate with the Wyoming Outdoor Council in Lander, said he believes that

Thursday's announcement shows that the EPA is finding it more difficult than initially expected to come to grips with fracking's full environmental effect. He noted that the EPA is pushing back other work aimed at gauging how energy production may pollute groundwater. "It's not surprising to me that they're kind of taking a secondary role in rural Pavillion," he said. "It looks to me like it might be a resource issue. That goes to the federal budget, I suppose, and EPA administration."

Hydraulic fracturing, or fracking, boosts the productivity of oil and gas wells by pumping pressurized water mixed with sand and chemicals down well holes to crack open fissures in the ground. Environmentalists have voiced concern about fracking causing groundwater pollution for years, but the practice has significantly boosted oil and gas production in regions such as the Bakken Shale in North Dakota and the Marcellus Shale underlying Eastern states.

The EPA's 2011 report marked the first time the agency publicly linked fracking and groundwater contamination, causing a stir on both sides of the issue.

The federal agency began seeking nominations last year for experts to serve as peer reviewers for its draft report and has extended public comment periods on the report three times since it came out -- twice last year and again this year. Each extension delayed the peer-review plans.

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# Pittsburgh Post-Gazette

## 'Gasland' director says sequel explosive

By Don Hokey / Pittsburgh Post-Gazette

Movie sequels gotta have bigger and better explosions than the originals, and Josh Fox, the director of "Gasland Part II," said his new film easily tops that bar.

The "flaming faucet" moment in his sequel to 2010 Academy Award nominee "Gasland," which took a critical look at shale gas development and hydraulic fracturing, or "fracking," features a garden hose that blazes like a flamethrower, plus other explosive scenes.

"For those audiences strictly coming for the pyrotechnics, well, they won't be disappointed," Mr. Fox said prior to the free screening of the film Thursday evening at Soldiers & Sailors Memorial Hall in Oakland.

Pittsburgh is one of 20 U.S. cities to get a preview peek at Mr. Fox's new documentary prior to its broadcast debut on HBO at 9 p.m. July 8.

"Gasland" explored the rapidly expanding shale gas development across the U.S., showing health impacts on families near well sites, hazardous air pollutants coming off condensate storage tanks at well sites, and tap water so contaminated with methane it burst into flames with the flick of a BIC.

Three years later, everything is bigger. The shale gas industry has drilled more than 6,000 wells in Pennsylvania, and public outrage has expanded right along with it, according to Mr. Fox.

"We're winning the public, winning the democracy, with our message. The industry is winning the government and the media because they can buy those things," he said. "But they can't buy the need for healthy communities. That's why a recent poll showed an overwhelming number of people in this state favor a moratorium on drilling."

He was referring to a May poll by the University of Michigan and Muhlenberg College that found that while 49 percent of Pennsylvanians approve of shale gas drilling almost two-thirds support a drilling moratorium in order to study the risks.

Mr. Fox said "Gasland Part II" revisits some of those same fractured communities -- including Dimock in Susquehanna County -- and asks why powerful oil and gas interests are allowed to pollute the environment while also "contaminating our democracy."

"This film is about the natural gas industry lighting our government on fire," he said. "In Pennsylvania, one governor after another has carried polluted water for the gas industry."

The gas drilling industry disputed many of the charges made by "Gasland," questioned the accuracy of some of its statistics and mounted a vigorous defense of its operations in the pro-industry films "Truthland" and "Fracknation," which emphasized the environmental and jobs benefits from increasing shale gas production.

But Mr. Fox said both are myths. He noted that oil and gas field workers are seven times more likely to die on the job than those in any other industry and frequent methane leaks undercut the greenhouse gas reductions produced by using gas instead of coal. He said there's an urgent need to shift to renewable energy sources.

Patrick Greuter, executive director of the Center for Coalfield Justice, one of the film screening's 20 citizen group sponsors, said Mr. Fox's two films play an important role in telling the stories of people affected by shale gas development.

"Southwestern Pennsylvania bears a huge burden from current and past energy production, both coal mining and shale gas drilling," Mr. Greuter said. "The rosy picture painted by the industry is not the reality of life on the ground in the coalfields of Washington and Greene counties."

Other HBO times for "Gasland Part II" are 4:55 a.m. July 9; 8:15 a.m. and 4:15 p.m. July 11; 3:15 p.m. July 14; 1:45 and 11:59 p.m. July 17; and 9:10 a.m. July 20. It also will air on HBO2 at 8 p.m. July 10 and 3:50 a.m. July 26.

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# Kent County News (Md.)

## EPA agrees to audit Bay watershed states

By CRAIG O'DONNELL [codonnell@thekentcountynews.com](mailto:codonnell@thekentcountynews.com) | Posted: Thursday, June 20, 2013 1:13 pm

**CHESTERTOWN** -- Instead of new federal rules on livestock farms, the Environmental Protection Agency has agreed to audit Chesapeake Bay watershed states for effective actions to curb nutrient pollution. The agreement worked out by the Chesapeake Bay Foundation and the EPA was announced June 5. It amends a settlement agreement from 2010.

According to CBF Senior Water Quality Scientist Beth McGee, it replaces proposed new regulations with audits. It moves the decision on new regulations off another five years. "The agreement is geared toward ensuring compliance with existing laws," she said last week, and to identify "the gaps between what a state has said it will do versus what is being done."

The original settlement called for new EPA regulations on large animal-raising operations, but that is a drawn-out process which wouldn't necessarily shed light on how well the six Chesapeake Bay watershed states are doing in cutting back on agricultural pollution.

Pat Langenfelter, a Kent County farmer and president of the Maryland Farm Bureau, said Monday, "Our concern is the fact that the EPA settles, and makes an agreement with the Chesapeake Bay Foundation, but no one else was allowed to participate. Those impacted the most are left out."

But Maryland's farmers are ahead of schedule so far, she said, where pollution reduction is concerned.

During the first two-year segment of the statewide Watershed Improvement Plan – WIP – Maryland's agriculture interests got to 130 percent of goal. The watershed states affected by the lawsuit are Maryland, Virginia, Delaware, West Virginia, Pennsylvania and New York.

Under the modified agreement the EPA will look to see whether watershed farmers involved with raising livestock are following their nutrient management plans, and whether states are succeeding or failing with cleanup programs aimed at agricultural nutrient pollution.

The difficulty with new federal regulations, according to a CBF statement, is that a “new CAFO rule would be challenged in court for years. And it would not address a key question, whether a farm was discharging pollution.”

As a result, the CBF and the EPA changed some terms of the 2010 settlement ending the Clean Water Act enforcement lawsuit. “The goal of the lawsuit and settlement agreement was to ensure that science-based pollution limits were developed and that the states implemented specific plans to reach those goals by a date certain,” Kim Coble said in the statement. She is CBF's vice president for environmental protection and restoration.

First of all, New York, Delaware, Pennsylvania, West Virginia, Virginia and Maryland will have their agricultural clean-water programs reviewed to make sure they are more than just plans filed in an office.

Concentrated Animal Feeding Operations are places where large numbers of livestock are raised. As the law stands, the EPA issues CAFO discharge permits. They limit the amount of pollutants which can enter local waterways, just as it issues a municipal or industrial wastewater permit with numerical limits.

The EPA has authority over these permit holders, though in our state the Maryland Department of Environment acts as the EPA's deputy.

According to the MDE website, there are 18 permits (17 CAFO and one MAFO or Maryland Animal Feeding Operation) in Kent County. Three are for dairy operations, one for swine, and the rest are chickens.

Langenfelder's Grand View Farm LLC has a CAFO permit for 2,700 pigs.

All farms which raise cattle or other livestock are classified as Animal Feeding Operations.

The EPA does not oversee any operation which is not classified as a CAFO. That is up to individual states. “The AFO and CAFO requirements should be consistent with what is in their Watershed Improvement Plans,” McGee said. “It is accountability. Are (the states) doing what they said they were going to do?”

Langenfelder said the EPA does not regulate the smaller AFOs and can't inspect them. However, the EPA can check to see whether states are following through on their WIPs.

For farmers, a WIP involves nutrient management plans and specific nutrient reduction goals for the many small watersheds that make up the Chesapeake Bay region. Reports on three states are due in 2014, with the remaining three by the end of June 2015. They will be public documents, McGee said.

While the EPA set the Chesapeake Bay pollution diet, individual states are responsible for carrying out the cleanup activities. Once the audits are done, the EPA can direct the states to take corrective actions if necessary, according to McGee.

The EPA definition for a CAFO is technical, but in general, goes by the number of animals. For example, a “large CAFO” has 125,000 chickens; or 55,000 turkeys; or 700 dairy cattle. Medium and small CAFOs with fewer animals are not automatically subject to discharge permit requirements, but they can be.

The new agreement says four CAFO permits in each state will be reviewed. “It's essentially an audit of whether the states are carrying out CAFO compliance,” McGee said. “It's a little one-sided, that we weren't allowed to

participate,” Langenfelder said, when the settlement was modified. On the other hand, she said, “They did not change the (nutrient discharge) numbers for CAFOs, that’s a plus,” and any action on new regulations is postponed.

Once information has been collected, the EPA’s existing CAFO regulations will be reviewed to see whether new rules are needed. The decision will be made by June 2018, McGee said. Also, the EPA will study four subwatersheds selected because of their high concentration of animal feeding operations. There will be one each year through 2016.

McGee said the concern is smaller farms that are not following nutrient management plans or best management practices, and “two-thirds of manure nutrients come from AFOs, which are not under the permit system.” For example, the Amish in Pennsylvania have lots of small farms where there are 50 or 100 dairy cows, she said. The state may not be reaching these farmers effectively.

According to the CBF press release, “in Pennsylvania preliminary analyses have indicated a significant percentage of Pennsylvania’s farms may not be in compliance with one or more long-standing conservation-based regulations.”

The CBF-initiated lawsuit to require the EPA to enforce the Clean Water Act involved multiple organizations and individuals. The Virginia State Waterman’s Association, the Maryland Watermen’s Association, the Maryland Saltwater Sportfishermen’s Association, former Maryland Governor Harry Hughes, retired Maryland Senator Bernie Fowler, former Virginia legislator and Natural Resources Secretary Tayloe Murphy, and former Washington Mayor Anthony Williams were parties to the suit and the settlement.

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# Allentown Morning Call

## **Allentown council tables clean air initiative, effectively sending it to voters**

### **Allentown voters will decide on stricter controls for waste-to-energy plant.**

By Emily Opilo, Of The Morning Call

11:03 PM EDT, June 19, 2013

Advertisement

Vowing to send a message by their inaction, members of Allentown City Council voted 5-1 Wednesday night to table a proposed ballot initiative that would create stricter environmental controls for a proposed waste-to-energy plant.

That effectively puts the initiative before the voters in November.

Only hours before the vote, council received several new legal opinions on the proposal. One was a letter from the state Department of Environmental Protection stating that, if enacted, the proposed law might be preempted by state regulations. That left several members feeling "uncomfortable" about voting.

Councilman Peter Schweyer suggested that tabling the ordinance would signal to the voters that council did not have the complete picture needed to make an informed decision.

According to the city charter, a ballot initiative must first be placed on council’s agenda for consideration. If council approves the proposal, it becomes law. But if council votes no or declines to vote, the initiative moves on to the ballot for the voters to decide in November.

Based on the date a petition signed by more than 2,000 residents was submitted, the deadline for council to act is Friday. No additional meetings have been scheduled, council President Julio Guridy said.

Schweyer noted that a vote on the city's recently approved water and sewer lease took more than a year and a half. The short window to vote on the initiative is unfortunate, he said.

"I don't think any of us are opposed to more monitoring," Schweyer said. "I don't have any philosophical problem with more monitoring and more oversight. I do have a problem with trying to adjudicate and trying to make a decision on two pieces of paper that are dated today."

Rich Fegley, the initiative organizer, said he didn't blame council for tabling the vote if information was coming in at the last minute. The opinion from DEP was dated Wednesday.

The initiative would create an ordinance requiring real-time monitoring of pollutants at "new air polluting facilities" and mandating live disclosure of emissions data on a public website. Emissions would also be restricted to levels comparable to those of natural gas-burning power plants.

Petitioners organized the effort, known as the Clean Air Ordinance, in response to a plan to build a 48,000-square-foot waste-to-energy plant on Allentown's Kline Island. The plant, which would be built by New Jersey-based Delta Thermo Energy, would break down sewage sludge and shredded trash in an industrial pressure cooker, and then burn the pulverized remains to make electricity.

The plant proposal was controversial when it was approved by council in March 2012. Sitting council members Ray O'Connell and Jeanette Eichenwald voted against the measure in a 4-2 vote, with Councilwoman Cynthia Mota reversing an earlier vote against the deal.

But on Wednesday, it was only O'Connell who favored the Clean Air Ordinance and asked that council take a vote. Eichenwald was absent.

"We've talked about this for several months," O'Connell said. "I think we owe it to Mr. Fegley and the people who signed the petition to vote yes or no."

Council also received a letter Wednesday from Mike Ewall, an attorney who crafted the initiative for Fegley, and attorney Marc Feller, who represented the city in the deal with Delta Thermo. Feller cautioned the city that the proposed initiative could violate the city's agreement with the waste-to-energy company, Guridy said.

Several weeks ago, council members also received an opinion from the city solicitor stating that the initiative would make the city susceptible to lawsuits.

Regardless, Fegley said he felt confident about the initiative in the hands of voters.

"We just have to show people that what we're doing is valid," he said.

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# Washington Post

## **Commentary: Obama should block the Keystone pipeline**

**By Tim Kaine, Published: June 20**

**Tim Kaine, a Democrat, represents Virginia in the Senate.**

President Obama is expected to make a decision in the next few months on the Keystone XL project. As the debate heats up, I worry that the shorthand used in talking about the issue obscures the real point.

I'm a pro-pipeline senator. As a former mayor of Richmond, a city with a gas utility, I think it makes no sense to be

anti-pipeline. But I oppose the Keystone XL project. Although the president's decision is technically over whether to allow a pipeline to deliver oil from Alberta to the coast of the Gulf of Mexico, the real issue isn't the pipeline. It's the wisdom of using tar sands oil.

By most accounts, oil from tar sands is 15 to 20 percent dirtier than conventional petroleum, and the process of extracting and refining it is more difficult and resource-intensive. With so many cleaner alternatives, there is no reason to embrace the use of a dirtier fuel source. Approving the pipeline would send a clear signal to the markets to expand the development of tar sands oil. Such an expansion would hurt our nation's work to reduce carbon emissions. We have to make energy cleaner tomorrow than it is today. That's why the president should block Keystone.

Being cleaner doesn't mean we have to abandon carbon-based energy. As governor of Virginia, I supported building a state-of-the-art coal plant in exchange for converting a plant that predated the Clean Air Act from coal to natural gas. I support development of offshore energy (gas, oil, wind and tidal) in the Atlantic. I support new hydro-fracturing techniques that expand the production of natural gas. And I believe that recent upgrades in national fuel economy standards are a major environmental achievement for Obama. We just need to take a phased approach to reducing carbon emissions.

Coal plants, fossil-fuel production and automobiles still pollute. But we've shown that we can get progressively cleaner.

The United States has reduced carbon dioxide emissions by 9 percent since 2005. Although the recession played a part, the volume of fuel use switched over to natural gas during this period was unprecedented, and renewable-electricity generation — particularly wind — has grown faster than expected. Better auto fuel efficiency has played a part and will continue to have an increasing role.

Few could have foreseen that the United States would reduce emissions to this degree. And we've done it through smart policies and innovation. I hope we can learn from this and keep moving in the right direction.

But tar sands oil is the opposite of an innovative, make-it-cleaner approach. It represents a major backslide. Why would we embrace a dirtier energy source when smart innovation and policy are opening up so many cleaner alternatives?

I explained my thoughts to a manufacturing executive recently, and he said: "I understand your point about Alberta tar sands oil, and even agree, to some extent. But it will be mined, refined, shipped and used by someone. Shouldn't we try to benefit from it in America?"

I have two responses. First, we may not be able to control what other nations do, but that's no reason to embrace a lowest-common-denominator approach. Second, if release of the tar sands oil were inevitable, the pipeline wouldn't be such a big deal. If it were just as easy to ship this oil via road or rail, proponents wouldn't be pushing so hard.

There's a longer-term answer, too. Someday when I am long retired from the Senate and kids ask me what I did for energy and the environment, I want to tell them a story about how the United States led the way with innovative solutions that created jobs, reduced pollution and tackled our energy challenges head-on.

I hope the president gets to tell that same story long after he's out of office.

Read more on this issue: [The Post's View: What the Keystone pipeline won't do](#) [Charles Krauthammer: The great pipeline sellout](#) [Lamar Smith: Playing political games with the pipeline project](#) [The Post's View: A better case for Keystone XL](#)

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# Greenwire

# **COAL: Greens sue over discharges from former mountaintop mines**

By Manuel Quinones, E&E reporter Published: Thursday, June 20, 2013

Environmentalists filed a lawsuit in federal court yesterday accusing two companies of polluting waterways with discharges from former mountaintop-removal mines.

The move by the Sierra Club, Ohio Valley Environmental Coalition and West Virginia Highlands Conservancy comes weeks after they initiated three lawsuits aimed at showing mountaintop-removal problems persist long after the sites are closed.

The lawsuit filed in U.S. District Court for the Southern District of West Virginia accuses Hernshaw Partners LLC and Pocahontas Land Corp. of dumping selenium from former mine sites.

Selenium is a chemical element that, in sufficient quantities, can cause problems to human health and aquatic life, including fish deformities and reproductive failures. Environmentalists have gone after numerous companies over selenium pollution allegations with mixed results.

One of the three lawsuits the groups filed last month involved a different site owned by Pocahontas Land Corp., a unit of Norfolk Southern Corp. A company spokeswoman declined to comment (*Greenwire*, May 29).

The Clean Water Act and the Surface Mining Control and Reclamation Act have provisions releasing companies from certain responsibility after mine reclamation is complete.

The groups, however, claim that ongoing pollutant releases don't have a permit and are, therefore, violations of the Clean Water Act.

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# **Newport News Daily Press**

## **State expands groundwater regulation into Middle Peninsula**

By Matt Sabo, [msabo@dailypress.com](mailto:msabo@dailypress.com) | 757-247-7872

The regulatory reach of the state's Department of Environmental Quality was extended earlier this week with the approval of an expansion into the Middle Peninsula of the Eastern Virginia Groundwater Management Area to slow the depletion of groundwater.

The unanimous action by the State Water Control Board will regulate groundwater withdrawals by the state's heaviest users. The regulation aims to manage groundwater tapped from vast aquifers that are being depleted at unprecedented rates, imperiling future supplies of underground water.

The diminishing aquifers have also been linked to subsidence, in which land sinks — particularly in Hampton Road — as the water underground is drained.

The counties included in the expansion of the groundwater management area include Gloucester, Mathews, Middlesex, Essex, King and Queen, King George, Northumberland, Lancaster, Westmoreland and Richmond. Parts of six other localities east of Interstate 95 and north of Richmond are included in the expansion.

Scott Kudlas, director of the Office of Water Supply for DEQ, said the board's action won't affect homeowners on



private wells.

"Both the statute passed by the General Assembly and the regulation adopted by the board specifically exempt all water withdrawals less than 300,000 gallons per month from the permit requirement," he said.

By placing the entire coastal aquifer system under the permit program, the groundwater resource will be comprehensively managed for the first time, Kudlas said. The goal of the management is to ensure Virginia and its residents get the greatest economic benefit from the resource while maintaining its long-term availability and productivity, he said.

"The main effect on future use of the groundwater supplies is that impact analyses and permits will be required," Kudlas said. "To date, DEQ has been successful at finding ways to withdraw from the coastal aquifer to meet the requested needs of the vast majority of groundwater users."

In the future, other sources of water will be needed to be tapped to offset the use of the finite groundwater sources, Kudlas said.

"These alternative sources may be surface water, reuse of treated wastewater for non-potable purposes, water recycling or desalination," Kudlas said.

Lewie Lawrence, executive director of the Middle Peninsula Planning District Commission, said the General Assembly needs to provide DEQ with the necessary staff and resources to issue permits in a timely manner.

"Localities and the private sector should not have to wait two to three years for the issuance of a permit," Lawrence said.

A long-term concern for the Middle Peninsula would be the reallocation of groundwater within the region being used to fill existing permit needs for users elsewhere, Lawrence said.

"The Middle Peninsula does not currently have great demand for water withdrawal," Lawrence said, "so as we wait for economic development opportunities to mature I am most interested to see how DEQ issues permits and how Middle Peninsula and Northern Neck water resources will be balanced against the lack of water and permit need in other areas."

Applicants for new and renewing groundwater permits will see changes to include clarifying how a regulated groundwater user justifies the need the groundwater and alternatives there may be, Kudlas said. Other changes include a requirement to invest in monitoring the effects on coastal aquifers.

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# Washington Post

## **Federal workers largely unsatisfied with performance rewards and promotions**

**By Josh Hicks, Updated: June 20, 2013**

Most federal workers don't believe their agencies will reward or promote them for performance, according to a new analysis from a good-government advocacy group.

The Partnership for Public Service on Wednesday reported that only 43 percent of federal employees think their employers will provide performance awards or better job opportunities, based on findings from the Office of Personnel Management's 2012 Federal Employee Viewpoint Survey.

The partnership's annual "Best Places to Work in the Federal Government" report, which relies on results from the yearly employee-satisfaction survey, has listed performance-based rewards and advancement among its lowest-rated categories since 2005. The 2012 score dropped 2.5 points compared to the previous year.

On a more positive note, 67 percent of federal employees said they believe their performance appraisals were fair. But just 34 percent said they are satisfied with opportunities for career advancement, and only 36 percent said creativity and innovation are rewarded.

By comparison, private-sector employees rated their opportunities for advancement 14 points higher, according to the partnership.

Federal workers on the lower end of the pay scale were less satisfied with performance-based awards than their higher-paid colleagues, according to the partnership's analysis.

The group recommended that government agencies should do more to acknowledge good work, provide opportunities for career advancement and give employees greater responsibilities or new experiences.

"With limited ability to increase compensation or to provide other monetary rewards, managers must rethink how they define rewards and recognition," the partnership concluded in its analysis.

*For more federal news, visit [The Federal Eye](#), [The Fed Page](#) and [Post Politics](#). To connect with Josh Hicks, follow his [Twitter feed](#), friend his [Facebook page](#) or e-mail [josh.hicks@washpost.com](mailto:josh.hicks@washpost.com). E-mail [federalworker@washpost.com](mailto:federalworker@washpost.com) with news tips and other suggestions.*

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